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1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.1995/MC.III/1
5 May 1995

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New York, 17 April-12 May 1995

REPORT OF MAIN COMMITTEE III

Establishment and terms of reference

1. Under rule 34 of its rules of procedure, as provisionally applied, the Conference established Main Committee III as one of its three Main Committees and decided to allocate to it the following items for its consideration (see NPT/CONF.1995/1):

Item 16. Review of the operation of the Treaty as provided for in its article VIII, paragraph 3:

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at promoting wider acceptance of the Treaty.

Officers of the Committee

2. The Conference elected Mr. Jaap Ramaker (Netherlands) as the Chairman of the Committee; Mr. Yanko Yanev (Bulgaria) and Mr. Gustavo Alvarez Goyoaga (Uruguay) served as Vice-Chairmen.

Documents before the Committee

3. The Committee had before it the following documents:

(a) Background documents

NPT/CONF.1995/8	Activities of IAEA relevant to article IV of the Treaty: background paper prepared by the secretariat of IAEA
NPT/CONF.1995/9	Activities of IAEA relevant to article V of the Treaty: background paper prepared by the secretariat of IAEA
NPT/CONF.1995/14	Letter dated 27 March 1995 from the Permanent Representative of Indonesia to the provisional Secretary-General of the Conference
NPT/CONF.1995/17	Letter dated 10 April 1995 from the Deputy Director of the United States Arms Control and Disarmament Agency addressed to the provisional Secretary-General of the Conference
NPT/CONF.1995/18	Letter dated 17 April 1995 from the Permanent Representative of China to the United Nations and deputy head of the Chinese delegation addressed to the Secretary-General of the Conference
NPT/CONF.1995/19	Letter dated 17 April 1995 from the alternate head of the Indonesian delegation addressed to the Secretary-General of the Conference
NPT/CONF.1995/24	Letter dated 21 April 1995 from the head of the delegation of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General of the Conference
NPT/CONF.1995/25	Letter dated 24 April 1995 from the delegation of the Russian Federation addressed to the Secretary-General of the Conference

(b) Documents submitted to the Committee

NPT/CONF.1995/MC.III/WP.1	Article IV and related issues: working paper submitted by Australia, Austria Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.1995/MC.III/WP.2	Working paper submitted by China

NPT/CONF.1995/MC.III/WP.3	Article IV and related issues: working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.1995/MC.III/WP.4	Article IV and related issues: working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.1995/MC.III/WP.5	Article IV and related issues: working paper submitted by Indonesia on behalf of the Group of Non-Aligned and Other States
NPT/CONF.1995/MC.III/WP.6 and Add.1	Article V: working paper submitted by Algeria, Australia, Austria, Belarus, Bulgaria, Cambodia, Canada, Colombia, Croatia, the Czech Republic, Denmark, Finland, Hungary, Indonesia, Ireland, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Malaysia, the Marshall Islands, the Netherlands, New Zealand, Norway, Palau, Papua New Guinea, the Philippines, Poland, the Republic of Korea, Romania, Slovakia, South Africa, Sri Lanka, Sweden, Switzerland, Tonga, Tuvalu, Ukraine and Uruguay
NPT/CONF.1995/MC.III/CRP.1	Chairman's suggested indicative timetable of work
NPT/CONF.1995/MC.III/CRP.2	Technology transfer activities of IAEA in respect of technical cooperation
NPT/CONF.1995/MC.III/CRP.3	Chairman's proposal for a possible structure of discussion
NPT/CONF.1995/MC.III/CRP.4/ Rev.1	Draft report of Main Committee III

Work of the Committee

4. The Committee held six meetings, from 20 April to 5 May 1995; an account of the discussion is contained in the relevant summary records (NPT/CONF.1995/MC.III/SR.1-6). At its first three meetings, it held a general exchange of views on all issues of concern to Main Committee III. After that, the Committee held nine open-ended drafting group meetings in which it considered in detail the proposals and documents submitted to it on formulations for the Final Declaration of the Conference. The fourth meeting was devoted to

a review of the progress made, while the fifth and sixth meetings were devoted to the consideration and adoption of its report to the Conference.

5. The Chairman put forward draft language for the Final Declaration which was considered in the open-ended drafting group meetings and during a series of informal consultations. He was assisted by the Vice-Chairmen and various delegations in coordinating other informal consultations to examine specific proposals.

Conclusions and recommendations

6. At its final meeting, the Committee agreed to transmit to the Conference the following formulations for the Final Declaration of the Conference:

I. TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE PEACEFUL USES OF NUCLEAR ENERGY

1. The Conference affirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence within which those uses can take place.

2. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

3. The Conference also reaffirms the undertaking by all parties to the Treaty to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services and scientific and technological information for the peaceful uses of nuclear energy. The Conference notes the contribution that such uses can make to progress in general and to the elimination of technological and economic gaps between the developed and the developing countries.

4. The Conference notes with regret that some countries not parties to the Treaty have been able to benefit from cooperation with parties to the Treaty in a way that may have contributed to non-peaceful nuclear programmes and welcomes subsequent steps taken to rectify this situation. The Conference notes with concern that some parties to the Treaty continue, in contravention of articles I, II and III of the Treaty, to cooperate and give assistance in the nuclear field to States not parties to the Treaty, which are known to have acquired the capacity to manufacture nuclear weapons.

5. The Conference urges that in all activities designed to facilitate the peaceful uses of nuclear energy, especially in such areas as the transfer of key nuclear technology and the supply of fuel-cycle services, preferential treatment be given to the non-nuclear-weapon States parties to the Treaty that have concluded and implemented the required safeguards agreement with IAEA, taking into account in particular the needs of developing countries.

6. The Conference recognizes the importance of the concept of sustainable development as a guiding principle for the peaceful use of nuclear energy. The Conference endorses the role of IAEA in assisting Member States, upon request, in formulating projects that meet the objective of protecting the global environment by applying sustainable development approaches. The Conference recommends that IAEA continue taking this objective into account when planning its future activities. It further notes that IAEA regularly reports to the General Assembly on progress made in these fields.

7. The Conference welcomes the voluntary offer by a number of nuclear-weapon States to put their nuclear facilities under international verification, and requests that the costs due to additional safeguards activities in this area should not be at the expense of other major IAEA programmes, such as nuclear power, fuel-cycle and radioactive waste management; applications for peaceful uses of nuclear technology for health, agriculture and industry; and nuclear safety and radiation protection.

8. The Conference acknowledges the need for the parties to the Treaty to discuss regularly and follow up the implementation of article IV of the Treaty.

II. NUCLEAR SAFETY, TRANSPORT BY SEA, NUCLEAR WASTE AND LIABILITY

A. Nuclear safety

1. The Conference affirms that the Treaty can help to ensure that international cooperation in nuclear safety will take place in an appropriate non-proliferation framework. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories or under their jurisdiction, and the crucial importance of an adequate national infrastructure in nuclear safety, radiation protection and waste management. It notes that States are aware that accidents at nuclear installations have the potential for transboundary impact.

2. The Conference continues to endorse the concept of the fundamental importance of ensuring a high level of safety in the peaceful uses of nuclear energy. It underlines the need for countries to achieve and maintain such a high level of nuclear safety through rigorous national measures, international instruments and international cooperation. The

Conference further endorses the activities of IAEA directed towards the strengthening of nuclear safety in operating power and research reactors. Specific activities include such services as the Operational Safety Review Team (OSART), the International Peer Review Service (IPERS), the Assessment of Safety Significant Events Team (ASSET) and the Integrated Safety Assessment of Research Reactor (INSARR), the work of the International Nuclear Safety Advisory Group (INSAG) and the Nuclear Safety Standard Advisory Group (NUSSAG) in the preparation of internationally recognized guidelines, standard and codes, support to the regulatory bodies and other relevant areas of the infrastructure of IAEA member States, including through its technical assistance programmes, emergency response unit and work on transportation, as well as the work of the Standing Committee on Nuclear Liability.

3. The Conference welcomes the intensification of international cooperation in order to strengthen nuclear safety, radiation protection and waste management, including activities conducted in this area by IAEA.

4. The Conference welcomes the adoption of the Convention on Nuclear Safety, opened for signature in September 1994, and calls upon all States to adhere to it at the earliest opportunity. The Conference further appeals to signatory States that have not yet done so to complete their domestic legal procedures to permit the early entry into force of the Convention. It urges all States, even prior to the Convention's entry into force, to utilize the principles embodied in the Convention as an important basis for the safe management of their civil nuclear power programmes. The Conference commends IAEA and the signatory States for taking early steps to clarify implementation procedures for the Convention on Nuclear Safety and supports continued activity to define its peer review process. The Conference recommends all States to consider the possibility of a further convention or conventions that might strengthen safety measures for nuclear activities other than those in civil nuclear power plants.

5. The Conference recommends that States that have not yet done so establish or designate a regulatory body regarding nuclear safety. The effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy should be ensured, as stipulated in the Convention on Nuclear Safety.

6. The Conference welcomes the undertaking of parties to the Convention on Nuclear Safety to ensure that a review is conducted as soon as possible of the safety of those nuclear installations existing at the time the Convention enters into force for that contracting party which do not conform to the provisions of the Convention, and that appropriate remedial action is taken in respect of those installations.

7. The Conference urges all States that have not yet done so to become parties to the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and the Convention on Physical Protection of Nuclear Material.

8. The Conference also considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

9. The Conference underlines the importance of openness, transparency and public information, which must ensure that an unbiased assessment of the safety performance of nuclear facilities can be developed. The Conference notes the efforts of IAEA to enhance public understanding on nuclear safety, radiation protection and waste management.

B. Safe transport by sea

10. The Conference takes note of the interest of all States in any transportation of irradiated nuclear fuel, plutonium and high-level nuclear waste being conducted in a safe and secure manner and in accordance with international law. The Conference also takes note of the concerns of small island developing States and other coastal States with regard to the transportation of such materials.

11. It welcomes the adoption in 1993 of the International Maritime Organization Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Nuclear Radioactive Wastes in Flasks on Board Ships, and emphasizes that shipments must continue to meet these standards.

12. In this context, the Conference calls on States parties to continue working through the International Maritime Organization and IAEA in developing additional measures which would complement the Code, and to maintain cooperation and exchange of information among the States concerned.

13. The Conference endorses the ongoing IAEA review of safety standards for transport of nuclear material and urges States to ensure that these standards are maintained.

C. Nuclear waste

14. The Conference commends the efforts of IAEA in the field of waste management and calls upon it to strengthen those efforts in view of the increasing importance of all aspects of nuclear waste management. It endorses the preparation of a convention on the safety of radioactive waste management to be concluded as soon as possible. The Conference also endorses IAEA programmes to assist Member States in this area through Radioactive Waste Safety Standards (RADWASS) for the handling of radioactive waste, peer reviews and technical assistance activities. The Conference also invites all States to respect international norms of safety and radiation protection in the field of radioactive waste management.

15. The Conference notes the particular importance of ensuring that possible effects on human health and the environment beyond national borders are taken into account in the management of all kinds of radioactive waste, civilian as well as military.

16. The Conference recognizes the need to prohibit dumping of radioactive waste. The Conference notes the amendment, adopted in 1993 and in effect since 1994, to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention, 1972) and the effective prohibition of sea dumping of all types of radioactive waste. It calls upon all States which have not yet acceded to the London Convention to do so. The Conference endorses the continued role of IAEA within the framework of the Convention. The Conference expresses the hope that the effective implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive waste pending the conclusion of the convention on the safety of radioactive waste management mentioned above.

D. Liability

17. The Conference takes note of the proposal to hold a diplomatic conference in the first quarter of 1996 to adopt conventions which will both revise the Vienna Convention on Civil Liability for Nuclear Damage and provide an effective supplementary funding regime. The Conference supports continued efforts in the IAEA Standing Committee on Nuclear Liability towards this end. The Conference also takes note of the effort of the Nuclear Energy Agency of the Organisation for Economic Cooperation and Development (OECD) in improving the international regime of liability in case of nuclear damage. The Conference notes that effective international liability mechanisms are essential to provide compensation for nuclear-related damage which may occur during transportation of irradiated nuclear fuel, plutonium and high-level nuclear waste.

III. TECHNICAL COOPERATION

1. The Conference reaffirms the undertaking of those parties to the Treaty in a position to do so to cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

2. The Conference acknowledges the importance of the work of IAEA as the principal agent for technology transfer among the international organizations referred to the article IV, paragraph 2, and welcomes the successful operation of the Agency's technical assistance and cooperation programmes. The Conference records with appreciation that projects supported from those programmes covered a wide spectrum of applications,

related both to the power and non-power uses of nuclear energy, notably in agriculture and food preservation, medicine, industry, hydrology, the sciences and the environment. The Conference welcomes increased attention to radiation protection, nuclear safety and radioactive waste management. Furthermore, the Conference acknowledges with appreciation the successful scientific cooperation carried out either by IAEA itself or in collaboration with other agencies in the United Nations system.

3. The Conference notes that IAEA plays an important role in assisting developing States in the development of nuclear power. The Conference further notes the important role played by IAEA in assisting developing States in the use of non-power applications of nuclear technology. The Conference recognizes that IAEA programmes in these fields can make tangible contributions to the needs of developing countries.

4. The Conference recognizes that the resources provided to and received from States parties to the Treaty under the Agency's Technical Cooperation Fund represent an important contribution to the fulfilment of the undertakings in article IV. The Conference underlines the need to ensure that IAEA has the financial and human resources necessary in order to meet its responsibilities in the area of technical cooperation effectively. The Conference appeals to all parties to the Treaty that are members of IAEA to support this useful programme to the extent of their abilities to do so. In this context, the Conference expresses its concern about the decline in pledges and payments to the Technical Cooperation Fund. It also encourages IAEA to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources. The Conference notes the potential contribution extrabudgetary mechanisms may have in providing additional resources.

5. The Conference welcomes the continuing development and refinement of the technical assistance and cooperation programme of IAEA. In particular, it notes the recommendations of the Third IAEA Technical Cooperation Policy Review Seminar, held in September 1994. These provide policy guidance for the enhancement of nuclear cooperation through integration thereof, whenever possible, with medium-term country plans, emphasis on nuclear safety and radiation protection, and endorsement of the principle of socio-economic impact of projects.

6. The Conference commends IAEA for its efforts to enhance the effectiveness and efficiency of its technical cooperation programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient member States. The Conference notes with appreciation the decision to establish within IAEA a standing advisory group on technical assistance and cooperation to this end, and hopes that this group will start to operate soon and achieve tangible results. It further notes the development of the model project concept, the increased emphasis on end-user orientation and greater attention to regional cooperative approaches to address common needs. In this context, the Conference recommends that IAEA should further explore ways and means to strengthen its efforts by working out concrete programmes.

7. The Conference notes that the special needs and priorities of the least developed countries parties to the Treaty should be taken into account in bilateral and multilateral nuclear technical assistance and cooperation programmes. It also notes that IAEA has been giving attention to means to strengthen its programmes in least developed countries, including ways in which it might extend technical assistance to non-members of IAEA. The Conference recommends that IAEA continue, through its technical cooperation programme, to give special attention to the needs and priorities of least developed countries. The Conference underlines the needs to enhance technical cooperation between developing countries, taking into account the needs of the least developed countries.

8. The Conference encourages IAEA to continue to include the result of the 1987 study on the promotion and financing of nuclear power programmes in developing countries in its programme of work. It also recommends that IAEA continue to provide, upon request, assistance in developing concepts for securing financial assistance from outside sources for nuclear power projects in developing countries.

9. The Conference welcomes greater support for regional cooperative arrangements, promoting regionally agreed projects and mobilizing inputs from countries in the region. The Conference recognizes that regional cooperative arrangements can be an effective means of providing assistance and facilitating technology transfer, complementing the technical cooperation activities of IAEA in individual countries. It notes the contributions of the African Regional Agreement (AFRA), the Regional Cooperation Agreement for Latin America (ARCAL) and the Regional Cooperation Agreement for Asia and the Pacific (RCA).

10. The Conference notes the significant level of bilateral cooperation between States parties in the worldwide peaceful uses of nuclear energy and welcomes the reports thereon. The Conference recognizes that it is the responsibility of States parties to create the conditions to enable this cooperation, in which commercial entities play an important role. The Conference urges States in a position to do so to continue and where possible increase their cooperation in this field, particularly to developing countries and parties to the Treaty with economies in transition.

11. [The Conference expresses its regret that there exist restrictions and constraints imposed on developing non-nuclear-weapon States regarding full access to nuclear technology for peaceful purposes. Unilaterally enforced restrictive measures, beyond safeguards required under the Treaty, must not be used to prevent peaceful development, especially in the nuclear area, and should be removed. It is also essential that free and unimpeded access to peaceful nuclear technology be guaranteed, without exception, for all States parties to the Treaty that have concluded relevant safeguards agreements with IAEA.]

12. The Conference calls upon all States parties in acting in pursuance of the objectives of the Treaty to observe the legitimate rights of all States parties, particularly developing States, to have full access

to nuclear technology for peaceful purposes. Transfers of nuclear technology and international cooperation in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

IV. CONVERSION OF NUCLEAR MATERIALS TO PEACEFUL USES

1. The Conference welcomes steps taken by several States parties to dismantle and destroy thousands of nuclear weapons and to convert nuclear material formerly produced for military purposes to use in peaceful activities. This represents an important precedent for linking progress in nuclear disarmament with peaceful uses of nuclear energy. This disarmament process requires strict procedures for the safe handling, storage and disposal of sensitive nuclear materials, as well as looking toward the safe management of radioactive contaminants in strict compliance with high standards of environmental protection and nuclear safety.

2. The Conference welcomes the increased attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear-weapon programmes, including where appropriate safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas. In this regard, the Conference acknowledges the existence of a special responsibility towards those people of former United Nations Trust Territories who have been adversely affected as a result of the nuclear weapons tests conducted during the period of the Trusteeship.

3. The Conference also notes that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production of nuclear weapons.

4. The Conference calls upon all Governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

V. REVIEW OF ARTICLE V

1. The Conference reaffirms that article V of the Treaty was designed for each State party to undertake appropriate measures to ensure that, in accordance with the Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States parties to the Treaty on a non-discriminatory basis and that the charge to such parties for the explosive devices used will be as low as possible and exclude any charge for research and development.

2. The Conference records that the potential benefits of the peaceful applications of nuclear explosions envisaged in article V of the Treaty have not materialized. In this context, the Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that serious concerns have been expressed as to the environmental consequences that could result from the release of radioactivity from such applications and on the risk of possible proliferation of nuclear weapons. Furthermore, no requests for services related to the peaceful applications of nuclear explosions have been received by IAEA since the Treaty entered into force. The Conference further notes that no State party has an active programme for the peaceful application of nuclear explosions.

3. The Conference therefore recommends that the Conference on Disarmament take this situation and future developments into account when negotiating a comprehensive nuclear test-ban treaty.

VI. REVIEW OF ARTICLE IX

1. On the occasion of the extension of the Treaty, the Conference affirms the long-held commitment of parties to the Treaty to universal membership and notes that this goal has been advanced by the rapid growth in membership since the 1990 Review Conference. The Conference also affirms the importance of the Treaty in establishing a norm of international behaviour in the nuclear field.

2. The Conference therefore calls on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Angola, Brazil, Chile, the Comoros, Cuba, Djibouti, India, Israel, Oman, Pakistan, the United Arab Emirates and Vanuatu. In this context the Conference welcomes the recent announcements by Chile and Vanuatu of their intention to adhere to the Treaty in due course. It also welcomes Brazil's acceptance of comprehensive IAEA safeguards under the Treaty of Tlatelolco.

3. The Conference particularly urges those non-parties to the Treaty which operate unsafeguarded sensitive nuclear facilities - India, Israel and Pakistan - to take such action and affirms the important contribution this would make to regional and global security.

4. In this connection, the Conference underlines the necessity, in order to facilitate universal adherence to the Treaty, of strict compliance by all existing parties with their obligations under the Treaty.

5. The Conference requests the President of the Conference to convey formally the views of States parties on this issue to all non-parties and to report their responses to the parties. Such efforts should contribute to enhancing the universality of the Treaty and the adherence of non-parties to it.